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Extract from the report of the Committee on Economic, Social and Cultural Rights on its twenty-fifth session

Review of methods of work of the Committee

I. Follow-up to Economic and Social Council decision 1999/287

1. By its decision 1999/287 of 30 July 1999, the Economic and Social Council, concerned that existing meeting arrangements for the Committee on Economic, Social and Cultural Rights no longer permitted the Committee to fully discharge its responsibilities under the International Covenant on Economic, Social and Cultural Rights and Council resolution 1985/17 of 28 May 1985 in an efficient and timely manner, approved the holding of two additional three-week extraordinary sessions of the Committee, as well as respective pre-sessional working groups of one week's duration during 2000 and 2001, provided that additional funding was made available. The Council requested that those sessions be entirely used for the consideration of reports of the States parties in order to reduce the backlog of reports; and that the Committee consider ways and means to improve the efficiency of its working methods. The Council requested the Committee to report to it in 2001 on action taken in this regard.

2. The General Assembly, in its resolution 54/251 of 23 December 1999, endorsed the Council decision.

3. Accordingly, the Committee held its first extraordinary session in August and September 2000. Seven States parties had been invited to present their reports, but only four appeared before the Committee. One report was considered by the Committee in absence of the State party's delegation, thus bringing to five the number of reports actually considered at the Committee's extraordinary session. The extraordinary session thus helped to reduce the accumulated backlog of reports received and pending consideration by the Committee. The second extraordinary session is scheduled to take place from 13 to 31 August 2001. The Committee has scheduled seven reports for consideration and has decided that no request for postponement from the States parties concerned will be accepted. Should a State party be unable to comply with the Committee's programme of work for the session, the Committee will proceed with its consideration of the State party's report in the absence of its delegation.

4. In response to the request by the Council, the Committee, at its twenty-fifth session, held from 23 April to 11 May 2001, discussed a number of improvements in its working methods with a view to dealing more effectively with the consideration of State party's reports at its future sessions. As a result, the Committee has adopted revised methods of work on a

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provisional basis, pending evaluation of the new procedures later in the year, in time for the annual report to be submitted in December 2001. These provisional revised methods of work are described below (see paras. 7-42).

5. As a result of the review of its methods of work, the Committee is of the opinion that, for an experimental period of two years, the Committee should, as in the past, hold only two sessions per year, one in April/May and one in November/December. Under the revised working methods, the Committee and its pre-sessional working group will try to consider up to seven instead of five State party reports, of which one will be on a non-reporting State, or on a State party whose report is long overdue. The increase in the number of reports considered will only be possible provided that three public meetings for initial reports and only two meetings for periodic reports are allocated, in line with the practice of some other treaty bodies.

6. The Committee is conscious of the very wide scope of the Covenant, the complexity of the issues raised, the long intervals between the consideration of many reports and the limited Secretariat assistance available to prepare for and deepen the constructive dialogue with State parties. Nevertheless, for an experimental period of two years, the Committee is prepared to reduce the time allocated for considering the periodic reports of States parties to two meetings while maintaining the three meeting approach for initial reports. Should the Committee find, at the end of that period, that the quality of report analysis suffers unduly from the shortened dialogue with States parties, it may revert to the previous practice of three meetings and the Committee may also request the Economic and Social Council to authorize three regular sessions per year.

II. Revised methods of work

Periodicity of reporting

7. The present reporting cycle was introduced in 1988 (see Council resolution 1988/4), on the basis of which States parties are to submit an initial report, dealing with the entire Covenant, within two years of the Covenant's entry into force for the State concerned. Every five years thereafter, a single, comprehensive periodic report is required. Only a minority of States parties observe the reporting cycle. Often reports are either submitted considerably late or not at all (non-reporting States), or only submitted after pressure is exerted by the Committee.

8. On 30 November 2000, the Committee resolved that, as a general rule, a State party's next periodic report should be submitted five years after the Committee's consideration of the State's preceding report, but that the Committee may reduce this five-year period on the basis of the following criteria, taking into account all relevant circumstances:

(a) The timeliness of the State party's submission of its reports in relation to the implementation of the International Covenant on Economic, Social and Cultural Rights;

(b) The quality of all the information, such as reports and replies to lists of issues submitted by the State party;

(c) The quality of the constructive dialogue between the Committee and the State party;

(d) The adequacy of the State party's response to the Committee's concluding observations;

(e) The State party's actual record, in practice, regarding implementation of the International Covenant on Economic, Social and Cultural Rights in relation to all individuals and groups within its jurisdiction.

Guidelines for preparing State party reports

Present practice

9. The Committee requests that State party reports, both initial and periodic, conform to the revised general guidelines regarding the form and contents of reports to be submitted by State parties. The guidelines contain specific questions that refer both to the general provisions (articles 1-5) and to the substantive articles (articles 6-15) of the Covenant. The Committee is currently reviewing these guidelines. One main proposal on which work has begun involves separate sets of guidelines, one for initial and one for periodic reports. This should streamline and focus the work of the Committee and of States parties in the preparation of their reports.

Problems with the present practice

10. Whereas it is important that initial reports are comprehensive, providing a detailed account of the national legal, administrative and practical system of implementation of the Covenant as requested in the guidelines, it is questionable whether it is useful for the Committee to ask States parties to repeat such information in their periodic reports. Such non-differentiation between initial and periodic reports results in State parties submitting bulky reports that not only prolong the processing of the document (editing and translation), but also burden the State party and the Committee with unnecessarily long reports to produce and to study. Further, a global detailed periodic report risks diverting the Committee's focus from issues of prime importance, such as follow-up to previous concluding observations.

Suggestions and recommendations

11. The Committee requests that periodic reports are limited to significant new legislative, judicial, administrative and policy developments, subject matters raised in the Committee's previous concluding observations and issues raised in the list of issues. The new approach will oblige State parties to focus on the measures taken to implement the Committee's previous recommendations and help the Committee to focus the dialogue and to draft focused concluding observations that will assist States, as well as national non-governmental organizations (NGOs) and other partners in terms of follow-up at the national level. Potentially, a focused approach to periodic reports may decrease duplication of information in reports submitted to other treaty bodies, as the information will be more closely tailored to the particular concerns of the Committee. Moreover, shorter periodic reports by State parties are likely to facilitate their processing, which takes up to one year. Shorter reports also require less time for editing and translating. Importantly, the Committee will retain its freedom to request States parties to submit a comprehensive periodic report if it is deemed necessary.

12. In order to better assist State parties in discharging their obligations, the Committee will endeavour to bring a closer focus on the selection of priority issues for concluding observations.

Pre-sessional working group

Present practice

13. A pre-sessional working group meets for five days to discuss a number of State party reports and to adopt lists of issues prior to the session at which these reports are to be considered. The working group is composed of five members of the Committee nominated by the chairperson, taking account of the desirability of a balanced geographical distribution and other relevant factors.

14. The working group allocates to each of its members (the "country rapporteurs") the initial responsibility for undertaking a detailed review of a specific report, as well as the relevant information provided by the Secretariat, and for putting before the group a preliminary list of issues. Each draft by a country rapporteur is then revised and supplemented on the basis of observations by the other members of the group and the final version of the list is adopted by the group as a whole. This procedure applies equally to both initial and periodic reports. In 1999, the Committee decided that its pre-sessional working group should draft and approve lists of issues with respect to initial reports not exceeding 60 questions, while for periodic reports lists of issues should be limited where possible to 30 questions.

15. Immediately after their adoption by the pre-sessional working group, the Secretariat transmits the lists of issues to the State party in question for a written response. This takes place some 6 to 12 months before the session at which the report of the State party is considered.

16. In preparation for the pre-sessional working group, the Committee asks the Secretariat to place country profiles at the disposal of its members, as well as all pertinent documents containing information relevant to each report to be examined. The country profile is made available to the country rapporteur six months prior to the meeting of the pre-sessional working group at which the rapporteur's draft list of issues is discussed.

Problems with the present practice

17. If States parties submit written replies to the list of issues, which happens a little over 50 per cent of the time, such replies often arrive after the deadline, set at three months before the session at which the report is

to be considered. The deadline marks the time needed for the editing and for the translation of the replies into the working languages of the Committee. As a result, the Committee often has the replies only in one language, usually English. In such cases, the delegation is asked to summarize the text of the replies to be interpreted simultaneously for non-anglophone Committee members. This procedure takes up an inordinate amount of time during the constructive dialogue.

18. The second problem with the present procedure is that the lists of issues are often long for both initial and periodic reports, containing 40 or more detailed questions. While this practice may be justified when the Committee is considering a seriously unsatisfactory initial (or periodic) report, the number of questions should be reduced considerably in an effort to focus on the ensuing constructive dialogue, especially in the case of periodic reports.

Future procedure

19. In an effort to better focus the constructive dialogue, the Committee has decided to formalize the existing practice of limiting the number of questions in the list of issues. In future, the maximum number of questions will be set at 40 for initial reports and at 25 for periodic reports. However, if a report proves to be grossly inadequate, additional necessary questions will be asked.

20. The Committee has also decided to change the structure of the lists of issues. In future, it will limit requests for written information to statistical data, information requested in the guidelines but missing in the report points of clarification regarding the report, and information on key legal, structural, policy and institutional issues (for the initial report) or new developments (with regard to periodic reports). This approach serves to indicate to the State party the issues that the Committee will take up during the dialogue, as well as providing the State party with an idea about the experts needed by the delegation.

Constructive dialogue

Present practice

21. In general, the Committee devotes three meetings of three hours each to the public examination of each report. In addition, it generally devotes three hours during the third week of the session, in private, to the discussion and adoption of each set of concluding observations.

22. At the beginning of the dialogue, representatives of the reporting State are invited to make a brief introductory statement and to summarize written replies to the list of issues. The Committee then considers the report on an article-by-article basis, taking particular account of the replies furnished in response to the list of issues. The chairperson will normally invite questions or comments from Committee members in relation to each issue, first giving the floor to the country rapporteur if he/she so wishes, and then invite the representatives of the State party to reply immediately to questions that do not require further reflection or research. Other questions remaining to be answered are taken up at a subsequent meeting or, if necessary, may be the subject of additional information provided to the Committee in writing. The chairperson and/or individual members may, if necessary, intervene whenever the dialogue seems to be going off on a tangent, when responses seem to be taking an unduly long time or when answers lack the necessary focus and precision. Representatives of relevant specialized agencies may also be invited to contribute at any stage of the dialogue.

23. The final phase of the Committee's examination of the report consists of the drafting and adoption of its concluding observations. For this purpose, the Committee usually sets aside a brief period (40 minutes to an hour) in closed session after the conclusion of the dialogue to enable its members to express their preliminary views. The country rapporteur then prepares, with the assistance of the Secretariat, a draft set of concluding observations for consideration by the Committee. At a later stage, the Committee then discusses the draft, again in private session, with a view to adopting it by consensus.

Problems with the present practice

24. At its twentieth session, the Committee considered how to improve the questioning and dialogue with government delegations. In order to avoid repetitious questions and dwelling unnecessarily long on opening questions that refer to very general matters, it was considered expedient to adopt a different approach: Committee members would be invited, before the beginning of the dialogue, to indicate which article(s) they wish to comment on. If

several Committee members put down their names for one article, the chairperson will try to arrange who should be the main questioner. This does not, of course, affect the right of any member to raise questions additionally or spontaneously, but it helps to ensure that more equal weight is placed on all articles of the Covenant and that the unnecessary repetition of questions is avoided.

Future practice

25. In an effort to save time and to allow for the consideration of more reports during each session, the Committee, following the practice adopted by the Human Rights Committee and the Committee on the Elimination of All Forms of Discrimination against Women, has decided to schedule three meetings for initial reports and two for periodic reports.

26. In order to ensure that the State party delegation is well aware of the procedure of the constructive dialogue, the Committee requests the Secretariat to brief the mission on the procedure as it notifies a State party of the scheduling of the consideration of its report. The Secretariat will also be requested to advise the mission on the composition of the delegation.

27. To avoid repetition of questions and emphasis on general opening questions, the Committee has decided to formalize the approach considered at its twentieth session. The Committee will set half an hour before the beginning of the dialogue to go over, in private, the main issues concerning the State party, in order to confer about how to approach cross-cutting issues. Experts from the Secretariat may be invited to inform the Committee about issues pertaining to the implementation of the Covenant by the respective State party. For initial reports this coordination meeting will take place within the nine hours allocated for the dialogue; for periodic reports it will have to be held before the six hour dialogue with the State party and, consequently, can only be conducted in two of the Committee's working languages (English and French). The meeting cannot take place during the six hour dialogue, as time is too short to lose half an hour considering how to proceed.

28. During the 30 minutes before the beginning of the dialogue, the Committee will name a main commentator on each question/article/issue. Other commentators on a given question/article/issue will take up matters not addressed by the main commentator and limit their interventions to three minutes or less. This method will not prejudice the country rapporteur who will be free to intervene at any time.

29. In order to enhance the quality of the dialogue between the State party and the Committee in future, the head of the State party delegation will be requested to confine the opening statement to a maximum of 10 minutes. Remarks by Committee members should be much shorter than in the past and, in any event, must not exceed three minutes per speaker. The delegation's answers should also be very brief and to the point, avoiding generalities and detailed explanations of existing legislation. The Committee, although interested in such information, is primarily interested in the operation of such legislation, plans of action and other administrative or judicial measures taken, in order to be able to ascertain whether the State party has met its obligations under the Covenant and to make meaningful suggestions and recommendations in its concluding observations.

30. In an effort to focus the dialogue, the Chairperson will indicate at the beginning of the dialogue which of the Committee members will be leading the questions on particular articles/issues. Additional questions on individual articles will be raised sparingly, avoiding repetition at all costs, and should be coordinated in the structure meeting prior to the beginning of the dialogue.

Follow-up

Present practice

31. Procedures in relation to follow-up action:

(a) In all concluding observations, the Committee will request the State party to inform the Committee, in its next periodic report, about steps taken to implement the recommendations in the concluding observations;

(b) Where appropriate, the Committee, in its concluding observations, may make a specific request to a State party to provide more information or statistical data at a time prior to the date that the next periodic report is due to be submitted;

(c) Where appropriate, the Committee may, in its concluding observations, ask the State party to respond, prior to the date that the next report is due to

be submitted, to any pressing specific issue identified by the concluding observations;

(d) Any information provided in accordance with (b) and (c) above will be considered by the next meeting of the Committee's pre-sessional working group;

(e) Thereafter, the Committee's chairperson will inform the State party, in advance of the next session, that the Committee will take up the issue at its next session and that, for that purpose, the participation of a representative of the State party in the work of the Committee would be welcome;

(f) If the information requested in accordance with (b) and (c) is not provided by the specified date, or is patently unsatisfactory, the chairperson, in consultation with the members of the Bureau, is authorized to follow up the matter with the State party.

Future practice

32. In its revision of reporting guidelines, the Committee will consider emphasizing the importance of addressing the previous concluding observations of the Committee in subsequent periodic reports (see recommendation in para. 9 above).

33. To ensure more efficient follow-up to the consideration of reports, the Committee requests the Secretariat to strengthen in-house cooperation with the national human rights institutions team and country desk officers.

34. With regard to follow-up, the Committee will also look into ways of further strengthening its cooperation with the relevant special rapporteurs of the Commission on Human Rights (including the rapporteurs on housing, education, food, violence against women, sale of children, child prostitution and child pornography and the human rights of migrants, and the independent experts on the right to development, extreme poverty and structural adjustment), and with United Nations specialized agencies and programmes, in line with Commission on Human Rights resolution 2001/30 of 20 April 2001.

35. The Committee will closely address the problem of consistent implementation of the follow-up procedure.

Overdue reports and non-reporting

36. The Committee resolved at its sixth session to begin to consider the situation concerning the implementation of the Covenant in respect of each State party whose reports are significantly overdue.

37. The Committee has adopted the following procedure:

(a) To select States parties whose reports are very much overdue on the basis of the length of time involved;

(b) To notify each such State party that the Committee intends to consider the situation with respect to that country at a specified future session;

(c) To move, in the absence of any report, to consider the status of economic, social and cultural rights in the light of all available information;

(d) To authorize its chairperson, in situations where the State party concerned indicates that a report will be provided to the Committee and upon a request from the State party, to defer consideration of the situation for one session.

38. The present practice only applies to non-reporting States, that is, to those States that have not submitted an initial report. No procedure exists with regard to States with overdue periodic reports.

39. The Committee has decided to develop a similar procedure concerning State parties, whose periodic reports are significantly overdue, similar to the one applied to States with overdue initial reports. In such cases, States will be informed by the chairperson that a non-reporting procedure will be set in motion, if a periodic report is not submitted at the next session. That reporting deadline may be extended for one further session, upon satisfactory explanation by the State party as to why it cannot comply with the reporting requirements within that period of time. States parties are reminded that they can avail themselves of the advisory and technical services of the Office of the United Nations High Commissioner for Human Rights (OHCHR) in this respect. Thereafter, the Committee will proceed with an analysis of the situation in the State party, based on information available to it from other sources.

General comments

40. The Committee prepares general comments based on various articles, provisions and themes of the Covenant to assist the States parties in fulfilling their obligations under the International Covenant on Economic, Social and Cultural Rights and to stimulate the international organizations and the specialized agencies concerned in achieving progressively and effectively the full realization of the rights recognized in the Covenant. Members may propose at any time that a general comment relating to a specific article or provision of an article be prepared. Usually, individual members of the Committee are charged with producing the initial informal draft General Comment. Generally, the Committee devotes one day, usually the Monday of the third week of the session, to a discussion on the aspect of the Covenant addressed in the draft General Comment. The purpose is twofold: to assist the Committee in developing in greater depth its understanding of the relevant issues; and to enable the Committee to encourage input to its work from all interested parties.

41. The practice works well, but in order to ensure better coordination with other treaty monitoring bodies, the Committee will continue to try to author joint general comments on overlapping provisions and will continue to consult with the other treaty monitoring bodies on any draft general comment it is preparing.

42. The Committee will continue the efforts it successfully instituted during the drafting stage of the most recent general comments to ensure the widest possible consultation with those interested in contributing to them.

Annex

Statement of the Committee on Economic, Social and Cultural Rights to the Third United Nations Conference on Least Developed Countries (adopted on 4 May 2001)

Poverty and the International Covenant on Economic, Social and Cultural Rights

1. In 1948, the Universal Declaration of Human Rights established that poverty is a human rights issue.[a] This view has been reaffirmed on numerous occasions by various United Nations bodies, including the General Assembly and Commission on Human Rights.[b] Although the term is not explicitly used in the International Covenant on Economic, Social and Cultural Rights,[c] poverty is one of the recurring themes in the Covenant and has always been one of the central concerns of the Committee. The rights to work, an adequate standard of living, housing, food, health and education, which lie at the heart of the Covenant, have a direct and immediate bearing upon the eradication of poverty. Moreover, the issue of poverty frequently arises in the course of the Committee's constructive dialogue with States parties. In the light of experience gained over many years, including the examination of numerous reports of States parties, the Committee holds the firm view that poverty constitutes a denial of human rights.

2. Accordingly, the Committee warmly welcomes the renewed commitment of a number of States and international organizations to the policy objective of poverty eradication, as well as related policy goals such as the elimination of social exclusion. The Committee regrets, however, that the human rights dimensions of poverty eradication policies rarely receive the attention they deserve. This neglect is especially regrettable because a human rights approach to poverty can reinforce anti-poverty strategies and make them more effective.

3. The present statement is aimed at encouraging the integration of human rights into poverty eradication policies by outlining how human rights generally, and the Covenant in particular, can empower the poor and enhance anti-poverty strategies. It is not sought in this statement to formulate a detailed anti-poverty programme or plan of action, but to identify concisely the distinctive contribution of international human rights to poverty eradication. The preparation of operational anti-poverty programmes is a separate undertaking of the first importance which all actors should pursue as a matter of urgency and with due regard to international human rights.

Scale and nature of the problem

4. The President of the World Bank recently wrote: "Poverty remains a global problem of huge proportions. Of the world's 6 billion people, 2.8 billion live on less than $2 a day, and 1.2 billion on less than $1 a day. Six infants of every 100 do not see their first birthday, and 8 do not survive to their fifth. Of those who do reach school age, 9 boys in 100, and 14 girls, do not go to primary school."[d] While statistics do not provide a complete understanding of poverty, these shocking figures signify massive and systemic breaches of the Universal Declaration of Human Rights and the two International Covenants, as well as of the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and other international human rights instruments.

5. Poverty is not confined to developing countries and societies in transition, it is a global phenomenon experienced in varying degrees by all States. Many developed States have impoverished groups, such as minorities or indigenous peoples, within their jurisdictions. Also, within many rich countries there are rural and urban areas where people live in appalling conditions — pockets of poverty amid wealth. In all States, women and girls bear a disproportionate burden of poverty, and children growing up in poverty are often permanently disadvantaged. In the Committee's view, the greater empowerment of women in particular is an essential precondition for the eradication of global poverty.

6. While the common theme underlying poor people's experiences is one of powerlessness,[e] human rights can empower individuals and communities. The challenge is to connect the powerless with the empowering potential of human rights. Although

human rights are not a panacea, they can help to equalize the distribution and exercise of power within and between societies.

Definitions

7. In the recent past, poverty was often defined as insufficient income to buy a minimum basket of goods and services. Today, the term is usually understood more broadly as the lack of basic capabilities to live in dignity. This definition recognizes poverty's broader features, such as hunger, poor education, discrimination, vulnerability and social exclusion.[4] The Committee notes that this understanding of poverty corresponds with numerous provisions of the Covenant.

8. In the light of the International Bill of Rights, poverty may be defined as a human condition characterized by sustained or chronic deprivation of the resources, capabilities, choices, security and power necessary for the enjoyment of an adequate standard of living and other civil, cultural, economic, political and social rights. While acknowledging that there is no universally accepted definition, the Committee endorses this multidimensional understanding of poverty, which reflects the indivisible and interdependent nature of all human rights.

The international human rights normative framework

9. International human rights provide a framework of norms or rules upon which detailed global, national and community-level poverty eradication policies can be constructed. While poverty raises complex multisectoral issues that are not amenable to simple solutions, the application of the international human rights normative framework to these issues helps to ensure that essential elements of anti-poverty strategies such as non-discrimination, equality, participation and accountability receive the sustained attention they deserve. In this context, the Committee wishes to briefly highlight three features of the international human rights normative framework.

10. First, the normative framework encompasses the entire range of civil, cultural, economic, political and social rights, and the right to development. While the rights enumerated in the Covenant, such as the right to an adequate standard of living, are of central importance to the poor, the Committee emphasizes that all civil and political rights, as well as the right to development, are also indispensable to those living in poverty.[5] Because of its mandate, expertise and experience, the Committee gives particular attention to the economic, social and cultural rights dimensions of anti-poverty strategies, but all rights are equally important as a means of ensuring that all people can live in freedom and dignity.

11. Second, non-discrimination and equality are integral elements of the international human rights normative framework, including the International Covenant on Economic, Social and Cultural Rights. Sometimes poverty arises when people have no access to existing resources because of who they are, what they believe or where they live. Discrimination may cause poverty, just as poverty may cause discrimination. Inequality may be entrenched in institutions and deeply rooted in social values that shape relationships within households and communities. Accordingly, the international norms of non-discrimination and equality, which demand that particular attention be given to vulnerable groups and individuals from such groups, have profound implications for anti-poverty strategies.

12. Third, the international human rights normative framework includes the right of those affected by key decisions to participate in the relevant decision-making processes. The right to participate is reflected in numerous international instruments, including the International Covenant on Economic, Social and Cultural Rights and the Declaration on the Right to Development.[6] In the Committee's experience, a policy or programme that is formulated without the active and informed participation of those affected is most unlikely to be effective. Although free and fair elections are a crucial component of the right to participate, they are not enough to ensure that those living in poverty enjoy the right to participate in key decisions affecting their lives.

13. In conclusion, anti-poverty policies are more likely to be effective, sustainable, inclusive, equitable and meaningful to those living in poverty if they are based upon international human rights. For this to occur, human rights need to be taken into account in all relevant policy-making processes.[7] Thus, there is a need for appropriately trained officials operating good processes informed by reliable, disaggregated data.

Obligations and accountability

14. The Covenant empowers the poor by granting them rights and imposing legal obligations on others, such as States. Critically, rights and obligations demand accountability: unless supported by a system of accountability, they can become no more than window dressing. Accordingly, the human rights approach to poverty emphasizes obligations and requires that all duty-holders, including States and international organizations, are held to account for their conduct in relation to international human rights law. In its General Comment No. 9, the Committee remarked upon mechanisms of legal accountability for State parties. As for other duty-holders, they must determine which accountability mechanisms are most appropriate in their particular case. However, whatever the mechanisms of accountability, they must be accessible, transparent and effective.[7]

Core obligations: national and international responsibilities

15. According to the Covenant, the enumerated rights are subject to resource availability and may be realized progressively.[8] However, General Comment No. 3, adopted in 1990, confirms that State parties have a "core obligation to ensure the satisfaction of, at the very least, minimum essential levels of each of the rights" enunciated in the Covenant. As the Committee observes, without such a core obligation, the Covenant "would be largely deprived of its raison d'être".[9]

16. More recently, the Committee began to identify the core obligations arising from the "minimum essential levels" of the rights to food, education and health,[10] and it confirmed that these core obligations are "non-derogable".[11] In General Comment No. 14, the Committee emphasizes that it is incumbent on all those in a position to assist, to provide "international assistance and cooperation, especially economic and technical" to enable developing countries to fulfil their core obligations.[12] In short, core obligations give rise to national responsibilities for all States and international responsibilities for developed States, as well as others that are "in a position to assist".

17. Thus, the core obligations of economic, social and cultural rights have a crucial role to play in national and international developmental policies, including anti-poverty strategies. When grouped together, the core obligations establish an international minimum threshold that all developmental policies should be designed to respect. In accordance with General Comment No. 14, it is incumbent on all those who can assist, to help developing countries respect this international minimum threshold. If a national or international anti-poverty strategy does not reflect this minimum threshold, it is inconsistent with the legally binding obligations of the State party.

18. To avoid any misunderstanding, the Committee wishes to emphasize three points. First, because core obligations are non-derogable, they continue to exist in situations of conflict, emergency and natural disaster. Second, because poverty is a global phenomenon, core obligations have great relevance to some individuals and communities living in the richest States. Third, after a State party has ensured the core obligations of economic, social and cultural rights, it continues to have an obligation to move as expeditiously and effectively as possible towards the full realization of all the rights in the Covenant.

Conclusion

19. The Committee strongly recommends the integration of international human rights norms into participatory, multi-sectoral national poverty eradication or reduction plans.[13] Such anti-poverty plans have an indispensable role to play in all States, no matter what their stage of economic development.

20. Non-State actors, including international organizations, national human rights institutions, civil society organizations and private businesses, also have heavy responsibilities in the struggle against poverty. Each should clearly identify how it can contribute to poverty eradication, keeping in mind the human rights dimensions of poverty as outlined in this statement.

21. The Committee is deeply aware that there are structural obstacles to the eradication of poverty in developing countries. Through its various activities, including the reporting process and the adoption of general comments, the Committee attempts to assist developing States by identifying measures that they can and should take to address these obstacles. However, some of the structural obstacles confronting developing States' anti-poverty strategies lie beyond their control in the contemporary international order. In the Committee's view, it is imperative that measures be urgently taken to remove these global structural obstacles, such as unsustainable foreign debt, the

widening gap between rich and poor and the absence of an equitable multilateral trade, investment and financial system, otherwise the national anti-poverty strategies of some States have a limited chance of sustainable success. In this regard, the Committee notes article 28 of the Universal Declaration of Human Rights, as well as the Declaration on the Right to Development, in particular article 3.3.[q]

22. So far as its resources and other responsibilities permit, the Committee continues to prepare additional general comments that clarify the normative content of economic, social and cultural rights, including their core obligations, and invites all parties to assist in this important and challenging task.

23. Conscious of their far-reaching importance, the Committee confirms its willingness to discuss the issues identified in this statement with all those committed to the eradication of poverty.

Notes

[a] The preamble to the Universal Declaration of Human Rights and the common preamble to the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights emphasize the importance of "freedom from ... want".

[b] For example, see General Assembly resolution 55/106 of 4 December 2000 and Commission on Human Rights resolution 2001/31 of 23 April 2001.

[c] The term "poverty" is not found in any of the major international human rights instruments. For a recent United Nations study of the links between human rights, development and poverty, see *Human Development Report 2000: Human Rights and Human Development*, United Nations Development Programme.

[d] World Bank, *World Development Report 2000/2001*, Oxford University Press.

[e] For example, see Deepa Narayan, *Voices of the Poor: Can Anyone Hear Us?*, published by the Oxford University Press for the World Bank, 2000.

[f] According to chapter II, entitled "Eradication of poverty", of the Programme of Action of the World Summit for Social Development (1995) (United Nations publication, Sales No. E.96.IV.8): "Poverty has various manifestations including lack of income and productive resources sufficient to ensure sustainable livelihoods, hunger and malnutrition, ill health, limited or lack of access to education and other basic services, increased morbidity and mortality from illness, homelessness and inadequate housing, unsafe environments, and social discrimination and exclusion. It is also characterized by a lack of participation in decision-making and in civil, social and cultural life." (para. 19)

[g] Consistent with part I, paragraph 5 of the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights (1993) (A/CONF.157/24 (Part I), chap. III): "All human rights are universal, indivisible and interdependent and interrelated. The international community must treat human rights globally in a fair and equal manner, on the same footing, and with the same emphasis."

[h] See article 13.1 of the International Covenant on Economic, Social and Cultural Rights (General Assembly resolution 2200 A (XXI)) and article 2.3 of the Declaration on the Right to Development (General Assembly resolution 41/128).

[i] See statement of the Committee on Economic, Social and Cultural Rights to the Third Ministerial Conference of the World Trade Organization, Seattle, 30 November-3 December 1999 (E/C.12/1999/9).

[j] For the Committee's remarks on the "Obligations of actors other than States parties" see, in particular, General Comment No. 13, part III and General Comment No. 14, part V; also General Comment No. 12, paras. 20 and 38-41.

[k] Article 2.1.

[l] General Comment No. 3, para. 10.

[m] General Comment Nos. 11, 13 and 14 respectively.

[n] General Comment No. 14, para. 47.

[o] General Comment No. 14, para. 45. The Covenant refers to "international assistance and cooperation", or similar formulations, in articles 2.1, 11.2, 15.4, 22 and 23.

[p] Such as those anticipated by the World Summit for Social Development (1995) and the more recent Enhanced Heavily Indebted Poor Countries (HIPC) Debt Initiative. For a recent examination of national poverty eradication plans see: *Poverty Report 2000: Overcoming Human Poverty*, United Nations Development Programme.

[q] Article 28 of the Universal Declaration of Human Rights: "Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized". Article 3.3 of the Declaration on the Right to Development: "States have the duty to cooperate with each other in ensuring development and eliminating obstacles to development".